

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES - GENERAL**

Case No.	CV 06-04986-RSWL (JCR)	Date	August 1, 2008
Title	<b>JIM FERGUSON v. JOHN MARSHALL</b>		

Present: The Honorable			JOHN C. RAYBURN, JR., U.S. MAGISTRATE JUDGE		
Debra Taylor		Not Reported		N/A	
Deputy Clerk		Court Reporter / Recorder		Tape No.	
Attorneys Present for Petitioner:			Attorneys Present for Respondent:		
Not Present			Not Present		

**Proceedings: (IN CHAMBERS) ORDER REQUIRING RESPONSE FROM RESPONDENT**

On November 5, 2007, John Marshall ("Respondent") filed a Motion to Dismiss First Amended Petition for Writ of Habeas Corpus ("Motion"), arguing that Jim Ferguson's ("Petitioner's") First Amended Petition for Writ of Habeas Corpus ("FAP") was unexhausted. On January 11, 2008, Petitioner filed an Opposition to the Motion.

Upon review of the state court appellate records website,<sup>1</sup> it appears that Petitioner filed a petition for writ of habeas corpus in the California Supreme Court on June 25, 2008, in case number S164631. The California Supreme Court denied the habeas petition on July 30, 2008. Because the contents of this petition in the California Supreme Court may be dispositive in determining whether the claims in the instant FAP are exhausted, a copy of this petition is required.

Accordingly, Respondent is **ORDERED** to provide the Court a copy of the June 25, 2008, petition for writ of habeas corpus filed in the California Supreme Court and a copy of any disposition within **fourteen (14) days** of the date of this Order. If, after reviewing the June 25, 2008, petition for writ of habeas corpus filed in the California Supreme Court, Respondent determines that Petitioner has in fact exhausted any or all of his claims in the FAP, Respondent is **FURTHER ORDERED** to amend and/or supplement his Motion within **fourteen (14) days** of the date of this Order.

**IT IS SO ORDERED.**

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<sup>1</sup> The Court takes judicial notice of the state appellate court records for Petitioner's case, which are available on the Internet at <http://appellatecases.courtinfo.ca.gov>. See *Smith v. Duncan*, 297 F.3d 809, 815 (9th Cir. 2002) (stating that federal courts may take judicial notice of relevant state court records in federal habeas proceedings).

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